

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.)
D/B/A TRUCK SERVICE)
)
Plaintiff,)
) C.A. NO.: 04-11836RCL
v.)
)
CATERPILLAR, INC.)
)
Defendant.)
)

AFFIDAVIT OF JOSHUA M. GELMAN

I, Joshua M. Gelman, of full age, being duly sworn on his oath, deposes and says:

1. My name is Joshua M. Gelman and I am currently employed as a paralegal in the law firm of Campbell Campbell Edwards & Conroy, P.C., counsel for Caterpillar Inc. in this action. Among other matters, my job responsibilities as a paralegal require me to assist the firm's attorneys in organizing document production and to work with outside vendors to facilitate the copying and assembly of documents.

2. On Friday, April 22, 2005, I was asked by Christopher Howe, an attorney in my firm, to research whether a high-speed scanner could be rented for purposes of photocopying or scanning the documents stored at plaintiff Trans-Spec Truck Service, Inc.'s ("Trans-Spec") offices in Millbury, Massachusetts.

3. That same day, I called our account manager at IKON Office Solutions, Jake Alsobrook, to inquire whether a high-speed scanner could be rented for purposes of Trans-Spec's document production. I was told by Mr. Alsobrook that while IKON does have mobile high-speed scanners, IKON typically does not rent them out unless it is for

extended periods of time. Mr. Alsobrook stated, however, that he would check with his business department and get back to me with an estimate of the cost for renting a high-speed scanner.

4. Later that day, I had an in-person meeting with Mr. Alsobrook to discuss the cost of conducting the document inspection at Trans-Spec's offices. At that meeting, Mr. Alsobrook informed me that his best estimate of the cost of renting the equipment would be as follows: \$500 for delivery and removal of the scanner; \$75 per hour for IKON's IT personnel to set up the scanner, which Mr. Alsobrook estimated would take approximately 1-2 hours; \$35 per hour for IKON's representative to assist with the copying/scanning of the documents; and approximately \$0.25 per page for copying/scanning the documents.

5. Additionally, Mr. Alsobrook indicated that he would need a telephone line for the equipment, which I told him might present a problem given that Trans-Spec's documents are stored off-site in a trailer with no electricity. Based on Mr. Alsobrook's quote, I estimated that the cost of copying Trans-Spec's documents would be approximately \$8,020. My estimate was based on the fact that there are approximately 35-40 boxes of documents stored in Trans-Spec's trailer that still need to be scanned, which I conservatively estimated contained 25,000 documents, and that it will take four full days (or a total of 32 hours) to complete the job.

6. Mr. Alsobrook told me that due to the fact that this is a unique and difficult project, the costs to rent the equipment and scan the documents would be high. Mr. Alsobrook urged me to consider having the documents shipped to IKON's facility in Boston for copying because it would be considerably cheaper, but I informed Mr.

Alsobrook that this was not a viable option. Mr. Alsobrook told me he has encountered similar situations before and suggested having a representative from Trans-Spec accompany the documents back to IKON's copying center to ensure that appropriate precautions are taken to safeguard the documents while they are copied.

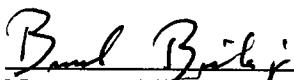
7. I told Mr. Alsbrook that I would inquire into whether this option was agreeable to the parties and that I would get back to him shortly. I was subsequently informed by Mr. Howe that Trans-Spec's counsel would not agree to have the documents shipped to IKON for scanning.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 16th
DAY OF MAY, 2005.



Joshua M. Gelman

On this 16th day of May, 2005, before me, the undersigned notary public, personally appeared Joshua M. Gelman, well-known to me to be the person whose name is signed on this affidavit, and who swore or affirmed that the contents of the affidavit are truthful and accurate to the best of his knowledge.



Notary Public
My Commission Expires: 06-12-09